

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORCHARD YARD AND THREAD)	
COMPANY INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 24-805 (GBW)
)	
LAST BRAND, INC.,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO DISMISS PURSUANT TO
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(6) AND 12(f)**

Defendant Last Brand, Inc. respectfully moves to dismiss Counts III, IV, and VI of the Complaint (D.I. 1) pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f). The grounds for this Motion are set forth in Defendant’s Opening Brief in Support of Its Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), filed herewith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Brian P. Egan

OF COUNSEL:

Zachary M. Briers
Adam W. Kwon
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071-3426
(213) 683-9100

Brian P. Egan (#6227)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
began@morrisnichols.com

Attorneys for Defendant

September 19, 2024

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FOR THE DISTRICT OF DELAWARE

ORCHARD YARD AND THREAD
COMPANY INC.,

Plaintiff,

V.

LAST BRAND, INC.,

Defendant.

C.A. No. 24-805 (GBW)

**[PROPOSED] ORDER GRANTING
DEFENDANT’S MOTION TO DISMISS PURSUANT TO
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(6) AND 12(f)**

Before the Court is Defendant's Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f). Having fully reviewed the record associated with Defendant's Motion, the Court hereby GRANTS Defendant's Motion. Counts III, IV, and VI of the Complaint (D.I. 1) are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Signed this _____ day of _____, 2024.

HON. GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 19, 2024, upon the following in the manner indicated:

Neal C. Belgam, Esquire
Daniel A. Taylor, Esquire
SMITH KATZENSTEIN & JENKINS LLP
1000 West Street, Suite 1501
Wilmington, DE 19801
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Myron Greenspan, Esquire
Robert Golden, Esquire
Cathy Shore Sirotn, Esquire
NOLTE LACKENBACH SIEGEL
111 Brook Street, Suite 101
Scarsdale, NY 10583
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

/s/ Brian P. Egan

Brian P. Egan (#6227)